

R E M A R K S

Claims 1-3 and 6-9 are pending in this application. No new matter has been added by way of the present submission. For instance, claims 1, 8 and 9 have been amended to more clearly define the compound according to the present invention. In particular, L¹ and L² have been amended to remove the recitation of "intervening ether bonding" and to reflect subject matter supported at page 6, lines 22-25 of the present specification. Additionally, substituents R¹¹ and R¹² have been amended to reflect subject matter supported at page 5, lines 32-33 of the present specification. Definitions for substituents R²¹ and R²² have been amended as supported originally filed claims 1, 7, 8 and 9 as well the present specification at page 3, line 29 to page 4, line 18 and page 6, lines 10-21. The definition for "M" has been amended to recite a hydrogen atom, an alkaline metal atom and pyridinium group as supported by the originally filed claims. Lastly, claims 4, 5 and 10 have been cancelled. Accordingly, no new matter has been added.

In view of the following remarks, Applicants respectfully request that the Examiner withdraw all outstanding rejections and allow the currently pending claims.

Issues under 35 U.S.C.112, first paragraph

The Examiner has rejected claims 1-10 under 35 U.S.C. 112, first paragraph for the reasons recited at pages 2-4 of the outstanding Office Action. Applicants respectfully traverse this rejection.

In particular, the Examiner has asserted that the solubility at 40°C and lack of deposit upon cooling at 0°C is enabled only for compounds I-1, I-2 and I-4 at 20g per 100 mL. Applicants respectfully disagree with the Examiner and the substance of this rejection.

First, the Examiner's rejection deals with the evidence submitted in a Declaration pursuant to 37 C.F.R. 1.132 and is not considered by Applicants to be a correct 35 U.S.C. 112, first paragraph enablement rejection. The issue of whether or not the present claims are commensurate in scope with the submitted evidence as an issue to be dealt with under 35 U.S.C. 103(a) and not 35 U.S.C. 112, first paragraph. As such, this rejection should be withdrawn.

Regardless, Applicants disagree with the Examiner's criticism of the experimental data support from the Declaration.

In the Table of page 28 of the specification, "dissolved within the indicated sec." in the column of "Solubility at 40°C" means that compounds of I-1, I-2, I-4, I-11, I-12 and I-14 according to the present invention completely disappear in the

solution at the lapse of the indicated period of time. In contrast, insolubles were clearly observed in the solution even after the lapse of 300 sec. for comparison compounds a and b. Also, a longer period of time was required to dissolve comparison compounds c and d. The data set forth in the column of "Solubility of 0°C" means whether the compounds once dissolved in water at 40°C separate out from the solution within a short period of time or not. The compounds of the invention do not separate out within 180 sec., while compounds c and d, which are dissolved at 40°C at the lapse of 200 sec. or 180 sec., respectively, separate out within a relatively short period of time.

Even if the Examiner's rejection is properly set within the framework of 35 U.S.C. 112, first paragraph, enablement, Applicants respectfully submit that it is improper for the reasons discussed above. Reconsideration and withdrawal of this rejection are respectfully requested.

Issues under 35 U.S.C. 103(a)

The Examiner has rejected claims 1-10 under 35 U.S.C. 103(a) as being obvious over Buell '363 in view of Deguchi '742. The Examiner has also rejected claims 1-10 under 35 U.S.C. 103(a) as being obvious over Crounse '548 in view of Deguchi

'742. Applicants respectfully traverse each of these rejections.

The present invention discloses a 4, 4'-bis(1,3,5-triazinylamino)stilbene-2,2'-disulfonic acid compound, in which each triazine ring contains two different substituents.

In contrast, Buell '363 teaches a 4, 4'-bis(1,3,5-triazinylamino)stilbene-2,2'-disulfonic acid in which the triazine ring contains two identical dihydroxypropylamino groups. In fact, the "identical substituent" structure is critical to Buell's invention. As shown in the table in columns 5 and 6 of Buell '363, triazine rings with different substituents result in loss of strength in resin-cationic softener applications. Therefore, Buell '363 only teaches the use of paired dihydroxypropylamino groups, and it teaches away from using different substituents on the triazine ring.

Deguchi '742 discloses a compound having both a sulfoethylamine group and hydroxyalkylamino group on the triazine ring (SR21 in the table in columns 7-8). However, the hydroxyalkylamino group of SR21 is $\text{-NHC}_2\text{H}_4\text{OH}$, which does not satisfy the conditions of the present invention. As disclosed in the present specification, compounds with hydroxyalkylamino groups analogous to that of SR21 in combination with the sulfonylalkylamino group never give satisfactory effects (see

pages 28-29, comparative compounds a, b, c and d of the present specification).

Accordingly, in view of the fact that Buell '363 envisions a triazine ring having two identical substitutions, one of skilled in the art, based upon Buell's teachings, would refrain from introducing different substituents onto the same triazine ring. Accordingly, Buell '363 provides no motivation, in fact, provides motivation against combining a single substitution of Buell '363 with any other substitution, much less a sulfoethylamine group arbitrarily selected from the list of possibilities in the disclosure of Deguchi '742 on the same triazine ring. Accordingly, the Examiner has failed to present a valid *prima facie* case of obviousness. Reconsideration and withdrawal of this rejection are respectfully requested.

Additionally, even if the Examiner has hypothetically presented a valid *prima facie* case of obviousness (a point not conceded), the present invention achieves unexpectedly superior results compared to Buell '363. For instance, in the Declaration pursuant to 37 C.F.R. 1.132, of record, Applicants have outlined an experiment that compares the solubility of the

compound of Buell '363, with compounds according to the present invention. The Examiner has asserted that the compounds tested are structurally diverse and it has not been shown that each of them possesses the solubility characteristics asserted.

Applicants respectfully disagree.

Applicants have shown that each of the compounds according to the present invention dissolve within about 150 seconds or less, at 40°C and have good solubility within 180 seconds at 0°C. Each of these characteristics, though being slightly varied in relation to each other, are much improved compared to the comparative compounds a-d as well as the prior art of Buell '363.

Additionally, note that fluorescent brightening procedures, such as a procedure for processing a photographic silver halide material, utilizing a fluorescent brightening compound are generally carried out by first dissolving the brightening compound in water at a relatively high temperature and then the resulting aqueous brightening solution is employed at a relatively low temperature. In these procedures, there is a requirement that the brightening compound be rapidly dissolved in a small amount of water and not separate out of the resulting solution within the processing period. Brightening compounds that cannot be dissolved rapidly in a small amount of water are disadvantageous in their industrial use, because the procedure

utilizing these brightening compounds requires an increased working time and a large amount of water. The Declaration proves that the compound of Buell '363 is such a compound with disadvantageous solubility characteristics.

In view of the above, it is apparent that the present invention achieves unexpectedly superior results with respect to the closest prior art of Buell '363. Reconsideration and withdrawal of this rejection are respectfully requested.

The Examiner has also utilized the Crounse '548 reference as a primary reference. However, similar to the combination of Buell '363 with Deguchi '742, Applicants submit that there is no motivation to combine the reference of Crounse '548 with Deguchi '742 as suggested by the Examiner.

The triazinylstilbenes of Crounse '548 have two triazine rings, one of which contains a hydroxy-oxaalkylamino group (Y_1). One skilled in the art realizes that the triazinylstilbenes with the hydroxy-oxaalkylamino group belong to a class that is different from the present invention. Additionally, Deguchi '742 relates to a compound having a sulfoethylamine group and hydroxyalkylamino group on the triazine ring. The hydroxyalkylamino group has the structure of $-NHC_2H_4OH$. The Examiner is not free to select one group, while ignoring another in order to satisfy a rejection.

However, by selecting one group from Deguchi '742, while ignoring a myriad of others, the Examiner is making such an arbitrary selection. Nothing in Deguchi '742 motivates one of skill to select the group, nonetheless, given the present claims as a guideline, this is exactly what the Examiner has done. This is improper and thus cannot be done to justify a rejection under 35 U.S.C. 103(a).

In view of the above, Applicants respectfully submit that the present claims define subject matter that is patentable over the cited art. Reconsideration and withdrawal of this rejection are respectfully requested.


Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Craig M. McRobbie (Reg. No. 42,874) at the telephone number of the undersigned below.

Pursuant to 37 C.F.R. §§ 1.17 and 1.136(a), Applicants respectfully petition for a three (3) month extension of time for filing a reply in connection with the present application, and the required fee of \$950.00 is attached hereto.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

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Attachment

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